

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

TREVER BILYEU,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-22-1022-D
)	
LT. THOMPSON, <i>et al.</i> ,)	
)	
Defendants.)	

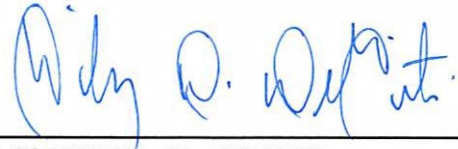
ORDER

This matter is before the Court for review of the Report and Recommendation [Doc. No. 7] issued under 28 U.S.C. § 636(b)(1)(B) and (C). United States Magistrate Judge Suzanne Mitchell recommends the dismissal of this action without prejudice under Fed. R. Civ. P. 41(b) due to Plaintiff's failure to comply with prior orders to cure a deficient pleading and his nonpayment of the filing fee.

The case file shows no timely objection or request for an extension of time, even though Plaintiff was expressly informed of his right to object, the procedure for doing so, and the firm waiver rule. The Court finds that Plaintiff has waived further review. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 E. 30th St.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Further, for the reasons stated by Judge Mitchell, the Court finds that this action should be dismissed without prejudice to refiling.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 7] is **ADOPTED** in its entirety. This action is **DISMISSED** without prejudice to refiling. A separate judgment of dismissal shall be entered.

IT IS SO ORDERED this 3rd day of February, 2023.



TIMOTHY D. DeGIUSTI
Chief United States District Judge